

# ARTICLE 19. TEMPORARY PROHIBITIONS

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### 19.1 PURPOSE STATEMENT

The City Council is authorized by Section 3-126 of the City's Home Rule Charter to impose temporary prohibitions on zoning "where necessary to protect the public health, safety, or welfare for a temporary period." The two types of prohibitions generally used in the zoning context are interim zoning districts and moratoria. These temporary prohibitions are intended to provide temporary zoning regulations within the boundaries of designated areas, notwithstanding existing zoning applicable to the area, pending a review of the appropriateness of applicable provisions of the zoning ordinance or development of new regulations by the City Planning Commission, and are intended to prevent the establishment of uses that are incompatible with the temporary prohibition for the legal duration of the prohibition.

### 19.2 DEFINITIONS

- A. Interim Zoning District – Emergency zoning regulations that are temporarily imposed while the City reviews existing zoning ordinances for appropriate revisions to protect the public health, safety or welfare.
- B. Moratorium – A suspension of the ability for property owners to obtain City development approvals while the City reviews applicable land use regulations to protect the public health, safety or welfare and respond to new or changing circumstances not adequately dealt with by current regulations.

### 19.3 TEMPORARY PROHIBITION PROCESS

#### A. Applicability

An interim zoning district or moratorium may be applied to any area of the City, upon appropriate demonstration that a temporary prohibition on zoning or permitting is necessary to protect the public health, safety or welfare in accordance with Section 3-126 of the City Charter.

#### B. Nature and Effect

##### 1. Amendment of Zoning Map

Establishment of an interim zoning district or moratorium constitutes an amendment of these zoning regulations. The boundaries of interim zoning districts and areas subject to moratoria shall be placed and identified on the Official Zoning Map once the ordinances creating such districts or moratoria become effective.

##### 2. Governing Regulations

Notwithstanding any contrary provisions contained in the zoning district regulations underlying the interim zoning district or moratorium, the use or development of any land, the use of any structure, or the construction, enlargement, or alteration of any structure within the district or area subject to the moratoria shall conform to the regulations set forth in the interim zoning district or moratorium for the period of its duration.

### **3. Duration**

- a.** An interim zoning district or moratorium is approved for a term of one (1) year. The City Council by ordinance may authorize one extension for an additional one hundred eighty (180) days. In the event that the required review is not completed and a report has not yet been submitted to the City Council during the initial one hundred eighty (180) day extension, the City Council may by ordinance extend the interim zoning district for one additional period up of to one hundred eighty (180) days.
- b.** After expiration, no interim zoning district, moratorium or similar prohibition of substantially the same legal effect on substantially the same geographic area may be imposed until at least one (1) year after the expiration of a prior moratorium ordinance, interim zoning district, or other temporary prohibition.
- c.** Following expiration of the interim zoning district regulations or moratorium, including any period of extension, the City Council shall repeal the interim zoning district or moratorium regulations and the City Planning Commission shall remove the boundaries of the district or area subject to the moratorium from the Official Zoning Map.

### **C. Procedure**

- 1.** The zoning text amendment creating an interim zoning district or moratorium shall be initiated by the adoption of a motion by the City Council. Except as otherwise provided in this section, an interim zoning district or moratorium for a particular area shall be established on the Official Zoning Map.
- 2.** The City Council motion initiating the interim zoning district or moratorium shall specify the type of review or study required in order to achieve the objectives of the temporary prohibition. The motion shall also specify the City agency responsible for the review or study. The designated agency shall complete its review and provide its report to the Council within the time limits established for such temporary prohibitions.
- 3.** The motion initiating the interim zoning district or moratorium shall also incorporate regulations addressing the following factors, where applicable:
  - a.** Intent of the interim zoning district or moratorium.
  - b.** Delineation of interim district boundaries or area subject to the moratorium.
  - c.** Uses permitted.
  - d.** Limitations on uses.
  - e.** Land use intensity, yard, lot area, and similar requirements.
  - f.** Special provisions necessary to the accomplishment of the intended intent and purpose of the district (i.e. landscape requirements, site plan review, etc.).
  - g.** Submittal requirements, if any.
  - h.** Appeal procedure
- 4.** Upon adoption of the City Council's motion authorizing the City Planning Commission to conduct a public hearing to consider an amendment to this Ordinance to create an

interim zoning district or moratorium, all appropriate agencies shall refuse to accept any new applications for permits that are in conflict with the intent and provisions of the proposed interim zoning district or moratorium. However, applications determined to be complete and received prior to adoption of such motion, may be reviewed and processed under existing regulations.